

**TWENTY-THIRD DAY - FEBRUARY 8, 2005****LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE  
FIRST SESSION****TWENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 8, 2005

**PRAYER**

The prayer was offered by Senator Smith.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Beutler, Brown, Cunningham, Heidemann, Landis, Loudon, McDonald, and Wehrbein who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 437, line 27, strike "WedMD" and insert "WebMD".  
The Journal for the twenty-first day was approved as corrected.

The Journal for the twenty-second day was approved.

**STANDING COMMITTEE REPORTS  
Banking, Commerce and Insurance**

**LEGISLATIVE BILL 171.** Placed on General File.

**LEGISLATIVE BILL 640.** Placed on General File.

(Signed) Mick Mines, Chairperson

**ANNOUNCEMENT**

The Banking, Commerce and Insurance Committee designates LB 533 as its priority bill.

**MOTION - Approve Appointment**

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page

449:

Environmental Quality Council  
 Jerry P. (Pat) Trotter

Voting in the affirmative, 28:

Aguilar	Engel	Howard	Pahls	Schimek
Bourne	Erdman	Hudkins	Pedersen, Dw.	Schrock
Burling	Fischer	Janssen	Pederson, D.	Stuhr
Byars	Flood	Johnson	Price	Synowiecki
Combs	Foley	Kremer	Raikes	
Cudaback	Friend	Kruse	Redfield	

Voting in the negative, 0.

Present and not voting, 13:

Baker	Connealy	Kopplin	Preister	Thompson
Brashear	Cornett	Langemeier	Smith	
Chambers	Jensen	Mines	Stuthman	

Excused and not voting, 8:

Beutler	Cunningham	Landis	McDonald
Brown	Heidemann	Louden	Wehrbein

The appointment was confirmed with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 28.** Considered.

Senator D. Pederson offered the following amendment:

FA15

On page 4, line 10, strike "forty" and insert "thirty".

Senator Chambers offered the following amendment to the D. Pederson pending amendment:

FA17

Amend FA15

Strike "thirty" and insert "twenty"

Senator Chambers withdrew his amendment.

The D. Pederson amendment was adopted with 33 ayes, 3 nays, 12 present and not voting, and 1 excused and not voting.

Senator Connealy moved for a call of the house. The motion prevailed with

29 ayes, 0 nays, and 20 not voting.

Advanced to E & R for review with 32 ayes, 9 nays, and 8 present and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 28A.** Title read. Considered.

Senator Connealy moved for a call of the house. The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Advanced to E & R for review with 27 ayes, 6 nays, and 16 present and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 11.** Title read. Considered.

The Standing Committee amendment, AM0053, found on page 339, was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Senator Landis offered the following amendment:  
AM0313

1 1. On page 2, line 21, strike "shall" and insert "may".

The Landis amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 53.** Title read. Considered.

The Standing Committee amendment, AM0058, found on page 340, was considered.

Pending.

## **STANDING COMMITTEE REPORTS** **Transportation and Telecommunications**

**LEGISLATIVE BILL 341.** Placed on General File.

(Signed) Tom Baker, Chairperson

**Revenue**

**LEGISLATIVE BILL 66.** Placed on General File as amended.

(Standing Committee amendment, AM0296, is printed separately and available in the Bill Room, Room 1104.)

**LEGISLATIVE BILL 291.** Placed on General File as amended.

Standing Committee amendment to LB 291:

AM0294

- 1 1. On page 3, lines 18 through 20, reinstate the
- 2 stricken matter.

**LEGISLATIVE BILL 300.** Placed on General File as amended.

Standing Committee amendment to LB 300:

AM0276

- 1 1. Strike original section 1 and insert the following
- 2 new section:
- 3 "Section 1. (1) The county assessor shall perform an
- 4 income-approach calculation for all rent-restricted housing
- 5 projects constructed to allow an allocation of low-income housing
- 6 tax credits under section 42 of the Internal Revenue Code and
- 7 approved by the Nebraska Investment Finance Authority when
- 8 considering the assessed valuation to place on the property for
- 9 each assessment year. The income-approach calculation shall be
- 10 consistent with any rules and regulations adopted and promulgated
- 11 by the Property Tax Administrator and shall comply with
- 12 professionally accepted mass appraisal techniques. Any low-income
- 13 housing tax credits authorized under section 42 of the Internal
- 14 Revenue Code that were granted to owners of the project shall not
- 15 be considered income for purposes of the calculation but may be
- 16 considered in determining the capitalization rate to be used when
- 17 capitalizing the income stream. The county assessor, in
- 18 determining the actual value of any specific property, may consider
- 19 other methods of determining value that are consistent with
- 20 professionally accepted mass appraisal methods described in section
- 21 77-112.
- 22 (2) The owner of a rent-restricted housing project shall
- 23 file a statement with the county assessor on or before October 1 of
- 24 each year that details income and expense data for the prior year,
- 1 a description of any land-use restrictions, and such other
- 2 information as the county assessor may require."

**LEGISLATIVE BILL 325.** Placed on General File as amended.

(Standing Committee amendment, AM0295, is printed separately and available in the Bill Room, Room 1104.)

**LEGISLATIVE BILL 598.** Indefinitely postponed.

**LEGISLATIVE BILL 687.** Indefinitely postponed.

(Signed) David Landis, Chairperson

# **RESOLUTION**

**LEGISLATIVE RESOLUTION 38.** Introduced by Combs, 32; Fischer, 43; Hudkins, 21; Langemeier, 23; Louden, 49; McDonald, 41; Smith, 48.

WHEREAS, rural schools provide a quality education for approximately 150,000 students in Nebraska; and

WHEREAS, rural schools provide a community-based education that links children to their community, its history, and its future; and

WHEREAS, rural schools encourage students to participate in extracurricular activities to develop their talents and leadership skills; and

WHEREAS, rural schools are the center of social and community-based activities in many small towns and rural areas and provide many economic development and social benefits to rural places and rural people.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That February 15, 2005, be declared Rural Education Day in Nebraska.

Laid over.

## **AMENDMENTS - Print in Journal**

Senator Chambers filed the following amendment to LB 89:

FA14

Page 2, line 25, strike the semi-colon and add, ", if the requirements for licensure in the state of licensure are equal to or exceed the requirements for licensure in Nebraska."

Senator Chambers filed the following amendment to LB 28:

FA16

Page 6, strike lines 18-23.

Senator Baker filed the following amendment to LB 7:

AM0308

(Amendments to Standing Committee amendments, AM0037)

1. On page 1, line 2, after "roadways" insert ", except  
2 roadways that are part of the state highway system.".

Senator Johnson filed the following amendment to LB 246:

AM0288

1. On page 2, strike beginning with "Each" in line 21  
2 through "facility" in line 26 and show the old matter as stricken;  
3 and in line 28 before "or" insert "Each administrator shall be  
4 responsible for and oversee the operation of only one licensed  
5 facility or one integrated system, except that an administrator may  
6 make application to the board for approval to be responsible for  
7 and oversee the operations of a maximum of three licensed

- 8 facilities if such facilities are located within two hours' travel  
9 time of each other".  
10 2. On page 3, line 4, after "administrator" insert  
11 "responsible for and".

Senator Schrock filed the following amendment to LB 162:  
AM0325

- 1 1. On page 12, strike beginning with "A" in line 4
- 2 through the period in line 6 and show as stricken.
- 3 2. On page 13, line 18, strike "more" and insert "less".

### **ANNOUNCEMENT**

The Legislative Performance Audit Committee designates LB 588 as its priority bill.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Burling asked unanimous consent to have his name added as cointroducer to LB 271. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Tiffany Burianek from Norris High School; Mary Hammond and Nelle Balsinger from Norfolk; Caleb and Zoe White from Crete; Shannon Barnard and Kristen Goesser from Omaha; 20 students from Union College; and the Butler County and Thayer County Leadership Plenty Groups.

The Doctor of the Day was Dr. David Filipi from Omaha.

### **ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Byars, the Legislature adjourned until 9:00 a.m., Wednesday, February 9, 2005.

Patrick J. O'Donnell  
Clerk of the Legislature